

**From:** Jed Harris, Pliant Ventures  
**To:** Microsoft ATR  
**Date:** 1/23/02 10:51am  
**Subject:** Microsoft Settlement

Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-0001

Dear Renata Hesse,

I am deeply concerned that the current proposed settlement fails to move the United States toward a competitive desktop OS and middleware regime.

As we have seen the current lack of competition poses major risks to national security, as well as imposing major unnecessary burdens on software innovators, businesses, and consumers.

Many analyses have shown clearly that the current proposed judgement fails to constrain Microsoft's current abuses of its monopoly power and permits tactics that will allow Microsoft to maintain and extend this power.

Unfortunately, Microsoft has already demonstrated that it will interpret such settlements in ways that make a mockery of their intent. Any agreement reached must clearly and enforceably redefine the playing field. Otherwise this process will only undermine and call into contempt the effectiveness of our legal and regulatory institutions.

Without an effective agreement we will not meet our needs for a reliable software infrastructure, essential to national security. We will not sustain a competitive and innovative software marketplace, essential for economic vitality and our international competitive position. We will not enable businesses and consumers to make the most effective, and most cost-effective, use of computers.

For all these reasons I wish to register my disagreement with the proposed settlement in the strongest possible terms.

Sincerely,

Jed Harris  
Managing Member, Pliant Ventures

